

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

NICHOLAS ALSTON, etc., *et al.*,

Plaintiffs,

vs.

PHIL PLUMMER, Sheriff of Montgomery
County, Ohio

Defendant.

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Case No. 3:18cv247

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JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING PLAINTIFFS' MOTION FOR
IMMEDIATE INSPECTION OF MONTGOMERY COUNTY JAIL (DOC. #3),
WITHOUT PREJUDICE TO RENEWAL BASED UPON FUTURE EVENTS

Pursuant to the reasoning expressed by this Court during an August 7, 2018, telephone conference call, the Plaintiffs' Motion for an Immediate Inspection of the Montgomery County Jail (Doc. #3) is overruled, without prejudice to renewal should Plaintiffs choose to file either a motion for Temporary Restraining Order or for Preliminary Injunction

As discussed during the aforementioned telephone conference call, a Motion for an Immediate Inspection is likened to a Motion for View of the Scene. As such, the inspection/view is not evidence; rather, the sole purpose is to help the trier(s) of fact better understand the evidence as it is presented during either a hearing or trial. Without the pendency of a proceeding, requiring the introduction of testimony, exhibits or other evidence, the inspection/view serves no purpose. Should Plaintiffs choose to file a Motion for Temporary Restraining Order and/or a

Motion for Preliminary Injunction, requiring a hearing in open Court, Plaintiffs may renew their Motion for Immediate Inspection/View.

August 10, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record